

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

JERRY MCCRARY EL,

Plaintiff,

v.

DARRON HYTE, et al.,

Defendants,

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No. 1:14-CV-145-SNLJ

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion to proceed in forma pauperis. Plaintiff, a prisoner, has filed at least three previous cases that were dismissed as frivolous, malicious, or for failure to state a claim.¹ Under 28 U.S.C. § 1915(g), therefore, the Court may not grant the motion unless plaintiff "is under imminent danger of serious physical injury."

After reviewing the complaint, the Court finds no allegations that would show that plaintiff is in imminent danger of serious physical injury. As a result, the Court will deny the motion and will dismiss this action without prejudice to refile as a fully paid complaint.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis [ECF No. 2] is **DENIED**.

IT IS FURTHER ORDERED that this action is **DISMISSED**, without prejudice, pursuant to 28 U.S.C. § 1915(g).

¹ See *McCrary v. Kolwycle*, No. 1:10-CV-143-SNLJ (E.D.Mo.) (denying plaintiff in forma pauperis status on the basis of his three-strikes status and dismissing case under 28 U.S.C. § 1915(g)) (citing *McCrary v. Corum*, No. 4:92-CV-1124-SNL (E.D. Mo.); *McCrary v. Delo*, No. 4:93-CV-1471-SNLJ (E.D. Mo.); *McCrary v. Norman*, No. 1:10-CV-109-SNLJ (E.D. Mo.)).

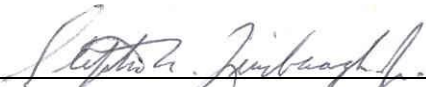
IT IS FURTHER ORDERED that plaintiff's Motion for a Temporary Restraining Order [ECF No. 4] is **DENIED** as moot.

IT IS FURTHER ORDERED that plaintiff's Motion for Discovery [ECF No. 5] is **DENIED** as moot.

IT IS FURTHER ORDERED that plaintiff's Motion for Appointment of Counsel [ECF No. 6] is **DENIED** as moot.

An Order of Dismissal shall accompany this Memorandum and Order.

Dated this 4th day of November, 2014.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE